



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

OCT 30 2014

Myralee Machol
Executive Director
Glen Cove Community Development Agency
City of Glen Cove – City Hall
9 Glen Street
Glen Cove, New York 11542

RE: Response to July 10, 2014 "Cut Fill" Letter
Li Tungsten Superfund Site, Glen Cove, Nassau County, New York

Dear Ms. Machol:

This letter provides the response of the U.S. Environmental Protection Agency (EPA) to the July 10, 2014, letter from Mr. Ellis Koch, the Consulting Director for RXR Glen Isle Partners, to Ms. Heidi Dudek, Project Manager for the New York State Department of Environmental Conservation (NYSDEC), regarding the above-referenced site.

Mr. Koch's letter sought "to clarify the agencies' requirements for handling soil, and onsite procedures, among other things, during the pre-closing and construction phases of the [site redevelopment] project, with the result being to give the developer sufficient confidence that the potential costs and risks are understood." Mr. Koch made specific reference to a statement in a November 6, 2013 NYSDEC comment letter on the Insurance Data Gap Work Plan that stated, "[a]ll parties agreed that residual metals contamination at Parcel A will be managed through the implementation of a two-foot soil cover and a Site Management Plan (SMP) consistent with the NYSDEC "Restricted Residential" requirements. Source material and gross contamination will require removal." Mr. Koch then presented a proposal for handling soils and addressing soil contamination found on the properties subject to development.

EPA understands the developer's desire for further definition regarding soils handling and remediation requirements during development. Having consulted with NYSDEC and the NYSDOH, EPA is responding to the July 10, 2014 letter as it pertains to the Li Tungsten site, which includes Parcels identified as Parcels A, B, and C at the former Li Tungsten facility and two portions at either end of the nearby Captain's Cove property, referred to as Areas A and G. NYSDEC is responding to your letter with respect to the remaining portions of the Captain's Cove property, which is not part of our site and which was cleaned up under oversight by NYSDEC. EPA understands that NYSDEC has previously provided direction on requirements for other State sites in the area which are being developed. EPA's response contained herein closely mirrors the source material removal criteria established by NYSDEC for Captain's Cove and other sites in the area, which when coupled with the implementation of appropriate engineering and institutional controls, would allow the property to be developed for the contemplated use.

As you are aware, the 1999 Record of Decision (ROD) for the Li Tungsten site identified soil cleanup numbers for arsenic, lead, PCBs (on Parcel B), and radionuclides that, once attained, would allow for commercial use of the site properties. EPA noted in the ROD that excavation of contaminated soils was expected to improve the quality of groundwater in lower Parcel C and also address other, less prevalent contaminants present in soils. During discussions with the City and the developer, EPA has noted that contamination remained in certain "red flag" areas that could not be readily accessed during the remedial action, and EPA also noted that removal of building foundations during development could potentially uncover additional contamination that was sufficiently isolated by the then-existing buildings. Although the insurance data gap sampling and other sampling conducted to date do not indicate the presence of radionuclides above cleanup numbers specified in the ROD (or the 2005 Explanation of Significant Differences document), soil contaminated by polychlorinated biphenyls (PCBs), arsenic and lead have been found above their cleanup criteria. The developer has agreed to remove the localized area of PCB contamination. The more significant arsenic and lead exceedances that were recently identified are present in or immediately adjacent to areas previously covered by building slabs. After reviewing the data, EPA has determined that the arsenic and lead contaminated soil that remains above the ROD cleanup numbers should be removed from the Li Tungsten facility properties for proper disposal. EPA believes that removal of this material, when coupled with the use of clean fill (min two feet) and/or foundations or other barriers expected in most of the development (e.g., asphalt paving) and the implementation of ICs, would allow the property to be developed for its contemplated uses¹. As noted above, the Li Tungsten site also includes Area A and G at Captains Cove. Soils at Area G are being addressed pursuant to the Ferry Terminal SMP; Area A should be addressed in a manner consistent with provisions of the Ferry Terminal SMP related to Area G.

The following criteria must be attained with regard to soil left in place and the re-use of excavated material on the Li Tungsten facility properties:

1. All excavated material must be screened and handled in accordance with the Li Tungsten Site Management Plan.
2. All excavated material that will be used on-site must be sampled in accordance to New York State Department of Environmental Conservation DER-10 – *Technical Guidance for Site Investigation and Remediation* as it relates to backfill material.
3. All soils remaining on-site that exceed the ROD cleanup criteria must be addressed. Excavation should, if necessary, continue to the low tide water table.
4. Please note that because the arsenic concentrations in the groundwater on lower Parcel C have not decreased as anticipated, it is important that the arsenic contamination in this area be addressed. Some limited excavation below the water table in these areas may enable the arsenic cleanup levels to be achieved sooner, which would allow the site to be deleted from the National Priorities List sooner.
5. Contamination in areas identified during past remediation as "red flag" areas should be removed if currently accessible or if accessible during construction activities. Many of these areas were not fully addressed because of proximity to underground utilities and

¹ An Explanation of Significant Differences document will need to be prepared to memorialize any changes in anticipated future uses of portions of the site.

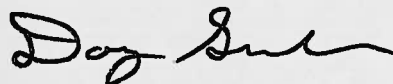
infrastructure. EPA understands that much of the existing infrastructure will be removed during development activities. For example, any contamination present in the area west of the former Dickson Warehouse on upper Parcel C was not removed because of the presence of a storm sewer. It is likely that the sewer will be removed or relocated during construction, and therefore any such contamination must be addressed. Similarly, an area along the west wall of lower Parcel C containing high arsenic concentrations was left in place because of the proximity to the neighboring property. EPA understands that this neighboring property is expected to become part of the redevelopment area, and therefore this area of contamination must also be excavated.

6. Any material that is handled during construction activities that is above the source material concentrations identified in NYSDEC's October 2014 letter regarding the portions of the Captain's Cove property NYSDEC is overseeing should be properly disposed of off-site. Soil that is known to have contamination at these levels should not be used as backfill.

As mentioned above, the excavation of the contaminants of the concern identified in the ROD which are above the ROD cleanup criteria, when combined with the placement of a two foot soil cover and/or building slabs and institutional controls, will result in the properties being suitable for their planned future uses. A description of the residual contamination and measurements of surface area and depth that will be managed under the Site Management Plan should be delineated on a Site Plan/Survey to be included as part of the Site Management Plan.

If you have any questions, please contact Ashley Similo of my staff at (212) 637-4263 or similo.ashley@epa.gov.

Sincerely,



Doug Garbarini, Chief
New York Remediation Branch
United States Environmental Protection Agency

cc: R. Schick – NYSDEC
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